

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**JOHN DOE,**

**Plaintiff,**

**v.**

**VIRGINIA POLYTECHNIC INSTITUTE  
AND STATE UNIVERSITY,**

**Defendant.**

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**Case No. 7:21cv378**

**MOTION FOR EXTENSION**

Defendant Virginia Polytechnic Institute and State University, by counsel, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, respectfully requests entry of an Order extending the time within which Defendant must file its Answer to plaintiff's Amended Complaint.

1. On February 23, 2023, the Court entered an Order granting in part and denying in part Defendant's motions to dismiss. ECF No. 60.

2. As such, the only remaining claims in this action are plaintiff's Title IX claims against Defendant based on plaintiff's allegations related to the NIH grant funding and retaliation. Id.

3. In the same Order, the Court granted plaintiff's counsel's motion to withdraw and directed plaintiff to apprise the Court of his substitute counsel, if any, on or before March 9, 2023. Id.

4. Pursuant to Rule 12(a)(4)(A), Defendant's Answer to the remaining claims in the Amended Complaint is also due on March 9, 2023.

5. It is unknown whether plaintiff will be proceeding with this action with counsel or *pro se*, and Defendant does not have contact information for the plaintiff due to his proceeding under a pseudonym, Defendant submits that good cause exists for extending the time for Defendant to file its Answer.

6. Rule 6(b) of the Federal Rules of Civil Procedure permits the Court to extend the time an act may or must be done if a request is made before the original time expires upon a finding of good cause. Fed. R. Civ. P. 6(b)(1)(A).

7. Defendant's motion is made in good faith and is not filed for the purpose of delay.

8. Defendant's motion is filed prior to the expiration of the deadline for Defendant to Answer.

9. No scheduling order has been entered, so a brief extension will not impact any deadlines in the case.

10. Accordingly, for the reasons set forth above, good cause exists for extending the time for Defendant to file its Answer.

11. A proposed Order is enclosed.

For the foregoing reasons, Defendant respectfully requests entry of an Order extending the time for Defendant to file its Answer to the Amended Complaint through and including March 23, 2023, and granting such further relief as the Court deems just and proper.

Respectfully submitted,

VIRGINIA POLYTECHNIC INSTITUTE AND  
STATE UNIVERSITY

/s/

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*Counsel for Virginia Polytechnic Institute and  
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**CERTIFICATE OF SERVICE**

I hereby certify that on March 1, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically send notification of such filing to all counsel of record and have emailed a copy to plaintiff's former counsel with a request that the foregoing be forwarded to plaintiff.

/s/ Nathan H. Schnetzler  
Of Counsel